

A RESOLUTION BY

01-R-2033

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF TEN THOUSAND DOLLARS AND 00/100 (\$10,000.00) FOR DISCHARGES FROM THE CITY OF ATLANTA'S WASTEWATER FACILITIES PURSUANT TO THE FIRST AMENDED CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT, AND THE DEMAND FOR STIPULATED PENALTIES DATED NOVEMBER 1, 2001; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES; PAYMENT SHALL BE CHARGED TO AND PAID FROM FUND, ACCOUNT, CENTER NUMBER: 2J01-529017-M51001.

WHEREAS, on March 12, 2001 the City experienced 1,700,000 gallons of partially treated, non-disinfected effluent from its wastewater facilities; and

WHEREAS, these discharges are being assessed stipulated penalties in the amount of \$10,000.00 imposed at the discretion of the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the First Amended Consent Decree, Civil Action File No. 1:95-CV-2550-TWT, and the Demand for Stipulated Penalties dated November 1, 2001; and

WHEREAS, the Department of Public Works of the City does not dispute the fact that these discharges and failure to report did occur; and

WHEREAS, the payment to EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in account number 2J01-529017-M51001; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessment to them.

NOW THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

Section One: That the Chief Financial Officer of the City is authorized to issue a check in the amount of Ten Thousand and 00/100 Dollars (\$10,000.00) payable to the **State of Georgia (Department of Natural Resources)** as a stipulated penalty imposed at the discretion of the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

Section Two: That the said payments be chargeable to Account Number 2J01 529017 M51001.

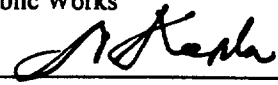
TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: Greg Pridgeon

Originating Department: Public Works

Contact (name): Ben Taube x 5232

Commissioner's Signature: 

Director's Signature _____

Committee(s) Purview: City Utilities Committee

Committee Deadline:

Committee(s) Meeting Date:

City Council Meeting Date: 11/27/01

CAPTION:

A Resolution to authorize payment of stipulated penalties imposed by the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of Ten Thousand Dollars and 00/100 (\$10,000.00) for discharges from the City of Atlanta's Wastewater Facilities pursuant to the First Amended Consent Decree, Civil Action File No. 1:95-CV-2550-TWT, and the demand for stipulated penalties dated November 1, 2001; to identify the source of funding; and for other purpose; payment shall be charged to and paid from fund, account, center number 2J01-529017-M51001

BACKGROUND/PURPOSE/DISCUSSION:

A Resolution to authorize payment of stipulated penalties imposed by the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of Ten Thousand Dollars and 00/100 (\$10,000.00) for discharges from the City of Atlanta's Wastewater Facilities pursuant to the First Amended Consent Decree, Civil Action File No. 1:95-CV-2550-TWT, and the demand for stipulated penalties dated November 1, 2001; to identify the source of funding; and for other purpose; payment shall be charged to and paid from fund, account, center number 2J01-529017-M51001

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by Mayor's Office: 11/27/01 JP

(date)

Reviewed by: JP

(initials)

(date)

Submitted to Council: _____

(date)

Action by Committee: Approved _____ Adverse _____ Held _____ Amended _____

Action by Committee: Substitute _____ Referred _____ Other _____